

The JS-44 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for use of the Clerk of Court for the purpose of initiating the civil docket sheet.

PLAINTIFFS  
ALEX CICCOTELLI

DEFENDANTS  
KADMON HOLDINGS, INC., TASOS G. KONIDARIS, HARLAN W. WAKSAL,  
EUGENE BAUER, DAVID E. COHEN, ARTHUR KIRSCH, NANCY MILLER-  
RICH, and CYNTHIA SCHWALM

ATTORNEYS (FIRM NAME, ADDRESS, AND TELEPHONE NUMBER)  
Gina M. Serra, RIGRODSKY LAW, P.A.  
825 East Gate Boulevard, Suite 300  
Garden City, NY 11530 (516) 683-3516

ATTORNEYS (IF KNOWN)

CAUSE OF ACTION (CITE THE U.S. CIVIL STATUTE UNDER WHICH YOU ARE FILING AND WRITE A BRIEF STATEMENT OF CAUSE)  
(DO NOT CITE JURISDICTIONAL STATUTES UNLESS DIVERSITY)

15 U.S.C. §§ 78n(a), 78t(a), and SEC Rule 14a-9, 17 C.F.R. 240.14a-9; Violations of Sections 14(a) and 20(a) of the 1934 Act

Has this action, case, or proceeding, or one essentially the same been previously filed in SDNY at any time? No ☒ Yes ☐ Judge Previously Assigned

If yes, was this case Vol. ☐ Invol. ☐ Dismissed. No ☐ Yes ☐ If yes, give date \_\_\_\_\_ & Case No. \_\_\_\_\_

IS THIS AN INTERNATIONAL ARBITRATION CASE?

No ☒ Yes ☐

(PLACE AN [x] IN ONE BOX ONLY)

### NATURE OF SUIT

#### TORTS

#### ACTIONS UNDER STATUTES

##### CONTRACT

- [ ] 110 INSURANCE  
[ ] 120 MARINE  
[ ] 130 MILLER ACT  
[ ] 140 NEGOTIABLE  
INSTRUMENT  
[ ] 150 RECOVERY OF  
OVERPAYMENT &  
ENFORCEMENT  
OF JUDGMENT  
[ ] 151 MEDICARE ACT  
[ ] 152 RECOVERY OF  
DEFAULTED  
STUDENT LOANS  
(EXCL VETERANS)  
[ ] 153 RECOVERY OF  
OVERPAYMENT  
OF VETERAN'S  
BENEFITS  
[ ] 160 STOCKHOLDERS  
SUITS  
[ ] 190 OTHER  
CONTRACT  
[ ] 195 CONTRACT  
PRODUCT  
LIABILITY  
[ ] 196 FRANCHISE

##### PERSONAL INJURY

- [ ] 310 AIRPLANE  
[ ] 315 AIRPLANE PRODUCT  
LIABILITY  
[ ] 320 ASSAULT, LIBEL &  
SLANDER  
[ ] 330 FEDERAL  
EMPLOYERS'  
LIABILITY  
[ ] 340 MARINE  
[ ] 345 MARINE PRODUCT  
LIABILITY  
[ ] 350 MOTOR VEHICLE  
[ ] 355 MOTOR VEHICLE  
PRODUCT LIABILITY  
[ ] 360 OTHER PERSONAL  
INJURY  
[ ] 362 PERSONAL INJURY -  
MED MALPRACTICE

##### ACTIONS UNDER STATUTES

##### CIVIL RIGHTS

- [ ] 440 OTHER CIVIL RIGHTS  
(Non-Prisoner)  
[ ] 441 VOTING  
[ ] 442 EMPLOYMENT  
[ ] 443 HOUSING/  
ACCOMMODATIONS  
[ ] 445 AMERICANS WITH  
DISABILITIES -  
EMPLOYMENT  
[ ] 446 AMERICANS WITH  
DISABILITIES -OTHER  
[ ] 448 EDUCATION

##### REAL PROPERTY

- [ ] 210 LAND  
CONDEMNATION  
[ ] 220 FORECLOSURE  
[ ] 230 RENT LEASE &  
EJECTMENT  
[ ] 240 TORTS TO LAND  
[ ] 245 TORT PRODUCT  
LIABILITY  
[ ] 290 ALL OTHER  
REAL PROPERTY

##### PERSONAL INJURY

- [ ] 367 HEALTHCARE/  
PHARMACEUTICAL PERSONAL  
INJURY/PRODUCT LIABILITY  
[ ] 365 PERSONAL INJURY  
PRODUCT LIABILITY  
[ ] 368 ASBESTOS PERSONAL  
INJURY PRODUCT  
LIABILITY

##### PERSONAL PROPERTY

- [ ] 370 OTHER FRAUD  
[ ] 371 TRUTH IN LENDING  
[ ] 380 OTHER PERSONAL  
PROPERTY DAMAGE  
[ ] 385 PROPERTY DAMAGE  
PRODUCT LIABILITY

##### PRISONER PETITIONS

- [ ] 463 ALIEN DETAINEE  
[ ] 510 MOTIONS TO  
VACATE SENTENCE  
28 USC 2255  
[ ] 530 HABEAS CORPUS  
[ ] 535 DEATH PENALTY  
[ ] 540 MANDAMUS & OTHER

##### PRISONER CIVIL RIGHTS

- [ ] 550 CIVIL RIGHTS  
[ ] 555 PRISON CONDITION  
[ ] 560 CIVIL DETAINEE  
CONDITIONS OF CONFINEMENT

##### FORFEITURE/PENALTY

- [ ] 625 DRUG RELATED  
SEIZURE OF PROPERTY  
21 USC 881  
[ ] 690 OTHER

##### PROPERTY RIGHTS

- [ ] 820 COPYRIGHTS [ ] 880 DEFEND TRADE SECRETS ACT  
[ ] 830 PATENT  
[ ] 835 PATENT-ABBREVIATED NEW DRUG APPLICATION  
[ ] 840 TRADEMARK

##### LABOR

- [ ] 710 FAIR LABOR  
STANDARDS ACT  
[ ] 720 LABOR/MGMT  
RELATIONS  
[ ] 740 RAILWAY LABOR ACT  
[ ] 751 FAMILY MEDICAL  
LEAVE ACT (FMLA)  
[ ] 790 OTHER LABOR  
LITIGATION  
[ ] 791 EMPL RET INC  
SECURITY ACT (ERISA)

##### IMMIGRATION

- [ ] 462 NATURALIZATION  
APPLICATION  
[ ] 465 OTHER IMMIGRATION  
ACTIONS

##### BANKRUPTCY

- [ ] 422 APPEAL  
28 USC 158  
[ ] 423 WITHDRAWAL  
28 USC 157

##### SOCIAL SECURITY

- [ ] 861 HIA (1395ff)  
[ ] 862 BLACK LUNG (923)  
[ ] 863 DIWC/DIWW (405(g))  
[ ] 864 SSID TITLE XVI  
[ ] 865 RSI (405(g))

##### FEDERAL TAX SUITS

- [ ] 870 TAXES (U.S. Plaintiff or  
Defendant)  
[ ] 871 IRS-THIRD PARTY  
26 USC 7609

##### OTHER STATUTES

- [ ] 375 FALSE CLAIMS  
[ ] 376 QUI TAM  
[ ] 400 STATE  
REAPPORTIONMENT  
[ ] 410 ANTITRUST  
[ ] 430 BANKS & BANKING  
[ ] 450 COMMERCE  
[ ] 460 DEPORTATION  
[ ] 470 RACKETEER INFLU-  
ENCED & CORRUPT  
ORGANIZATION ACT  
(RICO)  
[ ] 480 CONSUMER CREDIT  
[ ] 485 TELEPHONE CONSUMER  
PROTECTION ACT  
[ ] 490 CABLE/SATELLITE TV  
[x] 850 SECURITIES/  
COMMODITIES/  
EXCHANGE  
[ ] 890 OTHER STATUTORY  
ACTIONS  
[ ] 891 AGRICULTURAL ACTS  
[ ] 893 ENVIRONMENTAL  
MATTERS  
[ ] 895 FREEDOM OF  
INFORMATION ACT  
[ ] 896 ARBITRATION  
[ ] 899 ADMINISTRATIVE  
PROCEDURE ACT/REVIEW OR  
APPEAL OF AGENCY DECISION  
[ ] 950 CONSTITUTIONALITY OF  
STATE STATUTES

Check if demanded in complaint:

☐ CHECK IF THIS IS A CLASS ACTION  
UNDER F.R.C.P. 23

DO YOU CLAIM THIS CASE IS RELATED TO A CIVIL CASE NOW PENDING IN S.D.N.Y.  
AS DEFINED BY LOCAL RULE FOR DIVISION OF BUSINESS 13?  
IF SO, STATE:

DEMAND \$ \_\_\_\_\_ OTHER \_\_\_\_\_ JUDGE Hon. Ronnie Abrams DOCKET NUMBER 1:21-cv-08154

Check YES only if demanded in complaint

JURY DEMAND: ☒ YES ☐ NO

NOTE: You must also submit at the time of filing the Statement of Relatedness form (Form IH-32).

(PLACE AN *x* IN ONE BOX ONLY)**ORIGIN**

- ☒ 1 Original Proceeding
 ☐ 2 Removed from State Court
 ☐ 3 Remanded from Appellate Court
 ☐ 4 Reinstated or Reopened
 ☐ 5 Transferred from (Specify District)
 ☐ 6 Multidistrict Litigation (Transferred)
 ☐ 7 Appeal to District Judge from Magistrate Judge
 ☐ 8 Multidistrict Litigation (Direct File)
- ☐ a. all parties represented  
☐ b. At least one party is pro se.

(PLACE AN *x* IN ONE BOX ONLY)**BASIS OF JURISDICTION****IF DIVERSITY, INDICATE CITIZENSHIP BELOW.**

- ☐ 1 U.S. PLAINTIFF
 ☐ 2 U.S. DEFENDANT
 ☒ 3 FEDERAL QUESTION
 ☐ 4 DIVERSITY
- (U.S. NOT A PARTY)

**CITIZENSHIP OF PRINCIPAL PARTIES (FOR DIVERSITY CASES ONLY)**

(Place an [X] in one box for Plaintiff and one box for Defendant)

|                          | PTF | DEF |   | PTF | DEF |   | PTF | DEF |
|--------------------------|-----|-----|---|-----|-----|---|-----|-----|
| CITIZEN OF THIS STATE    | [ ] | [ ] | CITIZEN OR SUBJECT OF A FOREIGN COUNTRY                   | [ ] | [ ] | INCORPORATED and PRINCIPAL PLACE OF BUSINESS IN ANOTHER STATE | [ ] | [ ] |
| CITIZEN OF ANOTHER STATE | [ ] | [ ] | INCORPORATED or PRINCIPAL PLACE OF BUSINESS IN THIS STATE | [ ] | [ ] | FOREIGN NATION  | [ ] | [ ] |

PLAINTIFF(S) ADDRESS(ES) AND COUNTY(IES)

Montgomery County, PA

DEFENDANT(S) ADDRESS(ES) AND COUNTY(IES)

450 East 29th Street, New York, NY 10016 (New York County)

DEFENDANT(S) ADDRESS UNKNOWN

REPRESENTATION IS HEREBY MADE THAT, AT THIS TIME, I HAVE BEEN UNABLE, WITH REASONABLE DILIGENCE, TO ASCERTAIN THE RESIDENCE ADDRESSES OF THE FOLLOWING DEFENDANTS:

**COURTHOUSE ASSIGNMENT**

I hereby certify that this case should be assigned to the courthouse indicated below pursuant to Local Rule for Division of Business 18, 20 or 21.

Check one: THIS ACTION SHOULD BE ASSIGNED TO: ☐ WHITE PLAINS ☒ MANHATTAN

/s/ Gina M. Serra  
 DATE 10/07/21  
 SIGNATURE OF ATTORNEY OF RECORD  
 RECEIPT #

ADMITTED TO PRACTICE IN THIS DISTRICT  
☐ NO  
☒ YES (DATE ADMITTED Mo. <sup>03</sup> Yr. 2021)  
 Attorney Bar Code # 5551858

Magistrate Judge is to be designated by the Clerk of the Court.

Magistrate Judge \_\_\_\_\_ is so Designated.

Ruby J. Krajick, Clerk of Court by \_\_\_\_\_ Deputy Clerk, DATED \_\_\_\_\_.

UNITED STATES DISTRICT COURT (NEW YORK SOUTHERN)